

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-855V

(Not to be published)

FILED

JUN 14 2013

OSM
U.S. COURT OF
FEDERAL CLAIMS

BRIAN FRANKLIN and
ANDREA FRANKLIN, as legal
representatives of Scott P. Franklin,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

Filed: June 14, 2013

Decision on Attorney's
Fees and Costs

DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² I issued a decision on May 16, 2013. On June 12, 2013, the parties filed a stipulation concerning attorney's fees and costs in this matter. The parties' stipulation requests a total payment of \$89,968.81, representing \$87,391.40 in attorney and paralegal fees and costs, and \$2,577.41 of costs expended by petitioners.

An award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

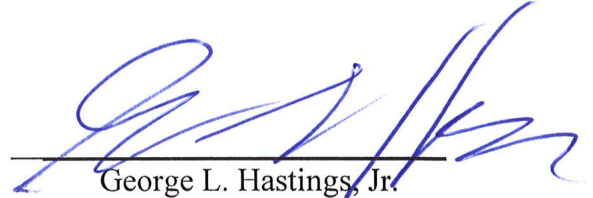
¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

- a lump sum of \$87,391.40, in the form of a check payable jointly to petitioners and petitioners' counsel, Gregory D. Kincaid, on account of services performed by counsel's law firm.
- a lump sum of \$2,577.41, in the form of a check payable to petitioners, which represents petitioners' own litigation expenses in this case.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

IT IS SO ORDERED



George L. Hastings, Jr.
Special Master